

**Town of La Pointe Planning and Zoning  
Town Plan Commission Regular Monthly Meeting Minutes  
October 30, 2013**

**Town Plan Commission Members Present:** Charles Brummer, Vice-Chair, Suellen Soucek, Carey Baxter, Greg Thury, Margie Denton, Joan Martin (6).

**Town Plan Commission members absent:** J Ted Pallas (1).

**Public Present:** Mike Starck (1).

**Town Staff Members Present:** Lisa Potswald, Planning and Zoning Administrator (1).

**I. Call to Order/Roll Call**

Vice Chair Brummer called the meeting to order at 4:30 PM. Roll call reflected members present or absent as recorded above. Joan Martin called to say she could not attend.

**II. Public Comment**

None.

**III. Approval of Previous Meeting Minutes**

- a. Town Plan Commission Public Hearing meeting, October 9, 2013

G. Thury moves to approve the Town Plan Commission Public Hearing Meeting minutes of October 9, 2013 as amended. S. Soucek seconds. All in favor. Motion carries.

- b. Town Plan Commission Special Monthly Meeting, October 10, 2013.

G. Thury moves to approve the Town Plan Commission Special Monthly Meeting minutes of October 10, 2013 as amended. S. Soucek seconds. Five in favor, T. Pallas abstains. Motion carries.

**IV. Zoning Administrator's Report**

Zoning Administrator's report will be available on November 4, 2013.

**V. Consideration and/or Action of Permit Applications**

- a. Zoning Administrator request for interpretation: Conveyance of easement from 3705 Big Bay Road (014-00020-0320) to 3712 Big Bay Road (014-00020-0310).

All members agree they don't want to see a nonconforming lot created, and that the conveyance should have deed restrictions. T. Pallas moves to send letters to both parties informing them that the Town Plan Commission recommends combining the conveyance easement with Lot 1, and listing it on the deed as lake access only; that it is not a buildable lot. G. Thury seconds. Five in favor, C. Brummer abstains.

- b. Zoning Administrator request for review: Trailer located at 2635 Big Bay Road (014-00054-0900), owner Susan Bergeon.

It was reported to the Zoning Administrator that a travel trailer has been parked on the other side of the Bergeon property. M. Starck, agent for Ms. Bergeon, states that the trailer is being used only for storage. The Zoning Administrator distributed minutes from the February 6, 2013 Town Plan Commission meeting at which time the travel trailer was discussed. A letter was also sent on July 31, 2013 reminding the owner of the special exceptions on her property. One of the conditions of the Special Exception permit is there will be no camping units on the property. Another condition was implementation of the coastal erosion plan, which the Zoning Administrator will follow up on. The Town Plan Commission has already given two extensions.

T. Pallas moves to draft a letter to Ms. Bergeon giving her 10 days from receipt of the letter to move the trailer, or the Town Plan Commission will revoke the Special Exception Permit. G. Thury seconds. All in favor. Motion carries.

- c. Possible violation: Middle Road (014-00467-0100, 014-00466-0100), owner Nancy Sievers.

Ms. Sievers hired a tree service to level her property at this location and remove any invasive plants on October 23, 2013, at which time the land-disturbing activity was reported to the Zoning Administrator. The Zoning Administrator visited the site to stop the work and take pictures, then sent pictures and a report to Alyssa Core of the DNR. She stated that the DNR will also be contacting the Army Corp of Engineers for further action as well. Ms. Sievers had no permit from the Town for land disturbing activities. This was reported to the Town Plan Commission for informational purposes only; no further action is required by the Town at this time.

## **VI. New Business**

- a. Recommendation to Town Board regarding Ordinance Text amendments of Sections 7.2 (N), 8.1 (B)(2), and the addition of 7.3.

Chair Pallas states that the text change is a bad idea, but if the Town Board wants to go ahead with it, they should have another hearing and take the Town Plan Commission out of the process. If the Town Board wants to deal with Conditional Use Permits, they need to take over the whole process. What the Town Plan Commission decides is only a recommendation to the Town Board.

C. Baxter says that the Town Plan Commission makes recommendations to the Town Board but the Town Plan Commission has limited say despite the Town Plan Commission members' hard work and knowledge. It becomes even more of a political land use decision.

Chair Pallas states that the Town Board can amend Conditional Use Permits; however in the case of home businesses, there could be a domino effect of a home business turning into a bona fide business that could hurt the neighbors. There should be comprehensive build out plans to avoid Conditional Use Permit amendments. This way it looks like the Town Board is always open to amendments.

C. Baxter agrees with M. Starck that five years is not a good plan; that the Town Board should rethink that number. What will they do if they make a mistake and cannot revisit it for five years?

S. Soucek states that this is a reiteration of what went on before, trying to get around stuff, and that it ignores due process. It could turn political and corrupt.

Chair Pallas states that every other municipality has the Town Plan Commission do Conditional Use Permits. If the Town Board feels the Town Plan Commission is acting off the wall, the Town Board can remove the Town Plan Commission members. That can't happen until election with Town Board members. It is a bad move that the Town Board will now issue permits. All of the Town of La Pointe Zoning Ordinance should be rewritten to say Town Board.

C. Brummer states that some believe there is no such thing as a Conditional Use Permit amendment – every time you change a Conditional Use Permit, it's a new Conditional Use Permit. He agrees the Town Board should take care of all related to a Conditional Use Permit. He thinks five years makes sense, because it is now amendment after amendment. It is not beneficial to anyone except the Conditional Use Permit applicant. It is skewed to a few certain parties and seems to be designed to wear people down. He is not in favor of the text change.

Chair Pallas states that he has been willing to make amendments to help businesses out; however it should not be unlimited.

G. Thury agrees that five years is a long time, but at the same time wants to keep five years in place. This process will be citizens petitioning for an amendment to a governing body that doesn't have the history.

C. Baxter states that five years is counteractive, and the Town Board is inhibiting itself from helping businesses.

M. Denton asks who holds the Town Board accountable – the citizens through the democratic process.

Chair Pallas states that this is taking away the right of adjoining property owners. When you issue a Conditional Use Permit it is a cheap way to get a zoning change – it is spot zoning. You take away the right of people who invested money in their property.

The past history is that Conditional Use Permit requirements that were very important issues have “disappeared” in between the time the Town Plan Commission makes recommendations up to the time of Town Board approval. With the text changes, the only resolution is through court. It could have saved the Town a lot of money if those conditions hadn't disappeared. It is not fair to those people who are trying to start up a business. Now, when their Conditional Use Permit goes through the Town Plan Commission, if they don't like it, they can spend \$750 to bring it to the Board of Appeals. With the Town Board responsible for the process, the only recourse is to take disagreements to court.

Chair Pallas is opposed to the text change; either the Town Plan Commission or the Town Board should do the entire Conditional Use Permit process; there can't be both entities involved. Amendments to the plan must be limited

C. Brummer opposes fast tracking amendments to Conditional Use Permits. Trying to get the applicant to nail down the plan is good for adjoining property owners.

C. Baxter thinks that this way the political entity decides what is fair, while the Town Plan Commission, which has no dog in the fight, won't. The text change is a terrible idea.

G. Thury states that he will cite the Town's Comprehensive Plan and wants the quotes included in the minutes:

- Page 2-2, **Values and Beliefs that Form and Sustain this Vision, #4** - "*Long-term historical, cultural and environmental preservation takes precedence over short-term social and economic gain*";
- Page 2-16, **Implementation Action Items, #1** - "*Review each request for rezoning and development proposal for consistency with this plan and for its impacts on the community ecological system and local economy*"; Responsible entities – Plan Commission and Town Board;
- Page 2-16, **Implementation Action Items, #2** - "*Develop standards for buffering in between incompatible land uses*"; Responsible entities – Plan Commission and Town Board.

G. Thury doesn't like the amendment, but if the Town Board's position now is to amend the language, once the Town Plan Commission says no, we will no longer amend the language.

M. Denton has been on the CAPP Committee and worked with the comprehensive plan. She both agrees and disagrees because she is new, but is taking Chair Pallas' position because she believes in accountability – there must be a track record of why things are the way they are. She may abstain in the vote because of lack of her knowledge in making a comfortable decision, but is leaning toward consensus with the rest of the Town Plan Commission.

S. Soucek is totally against the text changes. As an example, Madeline Island School of the Arts has grown to 11 buildings. It is a good program but the way it's come about is wrong. It has cost the town a lot of money and still is not done yet – there is no vision. Part of the Town Board voted with the Town Plan Commission regarding Madeline Island School of the Arts. If the Town Board wants to take Conditional Use Permits on, they should take it all on.

C. Brummer moves the Town Plan Commission's recommendation is that they are not in favor of the proposed changes to the Zoning Ordinance, specifically the addition of Section 7.3 and amendments to Sections 7.2 (N) and 8.1 (B)(2). G. Thury seconds. Five in favor, M. Denton abstains.

Any future changes to the Zoning Ordinance must first have a public hearing.

## **VII. Old Business**

### **a. Comprehensive Plan – Meetings and Survey**

Town Plan Commission members want to analyze the survey results and the information gathered at the public meetings at one time. However, the members want the minutes from the meetings as soon as they are available. No more surveys will be accepted.

### **b. Status Zoning Administrator Assistant**

This position will be posted in mid-November, contingent upon final budget decisions.

### **c. Expedited citation process**

No further work has been done on this, so no discussion.

## **VIII. Future Agenda Items**

- a. Comprehensive plan survey and meetings information
- b. Bergeon violation
- c. Town Board decision on Zoning Ordinance text change

**IX. Schedule Future Meetings**

- a. Next Special Monthly Meeting to be held **Wednesday, November 6, 2013 at 4:30 p.m.**

**X. Adjournment**

G. Thury moves to adjourn. M. Denton seconds. All in favor. Motion Carries. Meeting ends at 5:32 pm.

**Town Plan Commission minutes respectfully submitted by Lisa Potswald, Planning and Zoning Administrator, on Thursday, October 31, 2013**